



MUNICIPAL COURT

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January 3, 2011

Robert Herron, City Manager
City of Wheeling
Office of the City Manager
City County Building
1500 Chapline Street
Wheeling, WV 26003

Re: 2011-2012 Municipal Court Budget

Dear Mr. Herron:

Pursuant to your Memorandum of December 17, 2010, this will constitute my transmittal letter regarding the proposed 2011-2012 budget for the Municipal Court Department. Enclosed is the Departmental Budget Request Form which I have completed. I did **not** complete either the Program Justification Form or the Capital Equipment Outlay Schedule as I did not feel either was applicable to my proposed budget for the coming year. If you do require any additional information with regard to the proposed Municipal Court budget, please do not hesitate to contact me.

As you will note, there are a number of changes which I am proposing for next year's budget. I will attempt to offer explanations herein for each of the proposed changes. The first is in the Postage category. The current budget for that category is \$1,500.00. However, as of December 31, 2010, we had already incurred \$1,632.22 in actual postage expenses. Therefore, we are on track to spend approximately \$3,000.00 for postage in the current year. For that reason, I am requesting that next year's budget for the Postage category be increased by \$1,500.00 from \$1,500.00 to \$3,000.00.

The next item is the Office Supplies category. The current budget for that category is \$3,000.00. However, as of December 31, 2010, we had already incurred \$2,104.58 in office supplies expenses. Therefore, we are on track to spend approximately \$4,000.00 for office supplies in the current year. Part of the reason for this increase is that we now pay a monthly fee to lease a Xerox machine. For these reasons, I am requesting that next year's budget for the Office Supplies category be increased by \$1,000.00 from \$3,000.00 to \$4,000.00.

Robert Herron, City Manager

January 3, 2011

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Next, you will note that I am proposing **decreases** for the amounts budgeted for both Regional Jail expenses and traffic fines. With regard to the Regional jail expenses, this figure is actually that amount of money which we forward to the State for Regional Jail fees out of monies collected as **costs** in Municipal Court. It is my understanding that Ohio County has never billed the City of Wheeling for the daily Regional Jail fees assessed with regard to prisoners from the Municipal Court system. Unless and until the County begins billing the City for those fees, the \$60,000.00 figure we currently have budgeted for Regional Jail expenses will always be excessively high. As of December 31, 2010, we had forwarded \$12,643.00 to the State in Regional Jail fees. Therefore, we are on track to forward approximately \$25,000.00 to the State for Regional Jail fees for the current fiscal year. For that reason, I am proposing that next year's budget for this line item be reduced by \$20,000.00 from \$60,000.00 to \$40,000.00.

The same rationale applies to the Traffic Fines category. Although \$20,000.00 was budgeted for this line item for the current fiscal year, through December 31, 2010, we had only forwarded \$4,110.00 to the State for such fines. Thus, we are on track to spend a little over \$8,000.00 in the current year for that category. For that reason, I am proposing that next year's budget for this line item be decreased by \$10,000.00 from \$20,000.00 to \$10,000.00.

The final category I wish to discuss herein has to do with the salaries that are paid to Don Nickerson and myself as Municipal Court Judges. I will first discuss my current salary. According to the current budget, the "Police Judge" line item is budgeted for \$14,114.00. However, I am not actually receiving that amount from the City of Wheeling. Rather, in the current fiscal year I will receive 26 bi-weekly paychecks, each with a **gross** amount of \$489.65. That makes my gross salary \$12,730.90. My net take home pay for those 26 bi-weekly paychecks comes to approximately \$11,124.62. As a result, I do not know where the \$14,114.00 budgeted figure comes from. If that is the amount that I am supposed to be receiving as my gross salary, then obviously my current paychecks should be higher than they are.

In any event, I am proposing herein that my gross salary be increased to \$15,000.00/year. In talking with Don Nickerson, we have both noted a significant increase in our case loads over the past couple of years. As you know, I hold a bi-weekly docket in Municipal Court. As recently as 4-5 years ago, I would average 20-25 cases per docket. Over the past year, I have averaged approximately 40 cases per docket. Don tells me he has seen a similar increase in his case load.

In addition to holding bi-weekly dockets, I also conduct numerous trials over the course of the year. I have seen an increase in the number of trials as well. As a result, our workload has increased significantly over the past couple of years.

Robert Herron, City Manager
January 3, 2011
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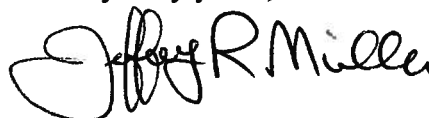
I have also reviewed the most recent revenue figures for Municipal Court. For the fiscal year from July 1, 2009 through June 30, 2010, the Municipal Court income generated for the City of Wheeling was \$381,879.00. This compares to an annual budget for the Municipal Court Department of less than \$150,000.00. Obviously, our Department is more than self sufficient. Given that fact, given the increase in our workload and given the proposed decreases to our budget for Regional Jail expenses and Traffic Fines, Don and I believe there is more than ample money available to support increasing our salaries.

With regard to Don's salary, that is reflected under the line item titled "Tech. Ref. & Services". Currently, Don receives a salary of \$12,000.00 a year. He receives a payroll check once a month in the gross amount of \$1,000.00. As you can see, I am proposing that Don's salary be increased by \$2,000.00 from \$12,000.00/year to \$14,000.00/year. Furthermore, I have only recently learned that unlike me, Don is treated by the City as an independent contractor and not as an actual part-time employee of the City. Don has asked me to inquire whether it might be possible to convert him to a part-time employee so that he can be paid in the same manner that I am.

If you would like, Don and I would be happy to sit down with you in person and discuss the proposed increases to our salaries.

Other than the items discussed herein, I do not anticipate any additional unusual expenditures for the coming year. I look forward to another successful year for the Municipal Court Department. Thank you once again for the privilege of allowing me to continue to serve the City of Wheeling as Municipal Court Judge.

Very truly yours,

A handwritten signature in black ink that reads "Jeffrey R. Miller". The signature is stylized, with the first letters of the first and last names being prominent.

Jeffrey R. Miller

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JRM/slb
Enclosure

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